

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SHELA PLANK,

Plaintiff,

VS.

**DYNEGY, INC., and
DYNEGY MIDWEST GENERATION,
INC.**

Defendants.

CASE NO.: 06-973-DRH-PMF

CJRA TRACK: B

JUDGE: David R. Herndon

ORDER

The Joint Motion to Dismiss Without Prejudice is GRANTED. Defendant Dynegy Inc. is dismissed without prejudice from the above-referenced cause of action. All costs of court and/or attorneys' fees incurred by the parties will be paid by the parties incurring them.

Dated and entered this 27th day of February, 2007.

/s/ David RHerndon
UNITED STATES DISTRICT JUDGE